

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT WILSON and ERIC McNEAL,
individually and on behalf of all similarly
situated individuals,

Plaintiffs,

v.

MAXIM HEALTHCARE SERVICES, INC.,
a Maryland corporation,

Defendant.

No. 2:14-cv-00789-RSL

**STIPULATED MOTION TO
DECERTIFY COLLECTIVE ACTION
AND WITHDRAW RULE 23 CLASS
CLAIMS**

Plaintiffs Robert Wilson and Eric McNeal ("Plaintiffs") and Defendant Maxim Healthcare Services, Inc. (collectively, the "Parties"), by and through counsel, stipulate and agree as follows:

1. The parties, having evaluated the specific and unique facts of this case and the individual deposition testimony of Maxim Recruiters in related arbitrations, have agreed that many of the issues required to establish liability in this particular case are unique to each individual opt-in plaintiff, and that the class claims in this case likely would not survive scrutiny under the rigorous analysis required by 29 U.S.C. § 216(b) or Rule 23 of the Federal Rules of Civil procedure.

2. Thus, the collective action previously conditionally certified by this Court on December 22, 2014 (Dkt. 53) is hereby decertified, and this case shall no longer proceed as a collective action under 29 U.S.C. § 216(b). In addition, Plaintiffs hereby withdraw all Rule 23 class claims.

3. The Parties have reached a settlement in this case for all Plaintiffs and Opt-in Plaintiffs on an individual basis.

4. The FLSA claims of all Opt-in Plaintiffs who have filed Consents to Sue in this case shall remain with this Court for future proceedings on an individual basis.

Dated this 18th day of April, 2017

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*Attorneys for Defendant Maxim Healthcare
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IT IS SO ORDERED.

Dated this 19th day of April, 2017.



The Honorable Robert S. Lasnik
United States District Judge